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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,723	04/04/2001	Paul Waxelbaum	1125	3174

7590

01/07/2004

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,723

Applicant(s)

WAXELBAUM, PAUL

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____ .
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) ☐ Other: ____ .

DETAILED ACTION

Acknowledgment is made of the receipt of the amendment received on 10/07/03. Claims 13-20 are currently pending.

Claim Rejections - 35 USC § 103

1. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolic et al. (US 5,786,748) (hereinafter referred to as 'Nikolic') in view of La et al. (US 5,665,956) (hereinafter referred to as 'La').

Nikolic teaches a method of delivering a message from a mobile sender to a mobile recipient, comprising the steps of:

- a) providing the mobile sender with a portable data collection terminal (transmitting pager/reader 50) having an actuatable electro-optical reader for reading machine-readable indicia and a wireless transceiver;
- b) enabling the mobile sender to operate the terminal (50) and collect data, including actuating the reader to capture information from the indicia, to compile a message containing, the information captured by the reader and a destination specified by the mobile sender (col. 2, lines 21-31);
- c) transmitting the message to a server over a wireless link by operating the transceiver; and
- d) delivering the message at the destination of the mobile recipient by processing the message at the server (col. 2, lines 39-51);

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the method wherein the delivering step is performed by transmitting an alert over a wireless link to the mobile recipient;

the method wherein the alert is a radio frequency paging signal for signaling a pager at the mobile recipient;

the method providing the mobile recipient with a portable unit having a wireless transceiver, and wherein the delivering step is performed by transmitting over a wireless link to the unit one of the message and a notification indicating that the message is available (col. 3, lines 33-38);

Nikolic lacks the teaching of the portable data collection terminal having a memory for storing a unique identifier and a message containing the identifier.

La teaches a data collection terminal having a memory for storing a unique identifier and compiles a message containing the identifier (col. 3, lines 31-35 and col. 4, line 60-col. 5, line 14).

One of ordinary skill in the art would have readily recognized that providing the Nikolic invention with a memory for storing a unique identifier and compiling a message with the identifier would have been beneficial for providing a positive indication of the mobile sender to the party receiving the message. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Nikolic with the aforementioned teachings of La.

2. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolic/La as applied to claim 13 above, and further in view of Walsh et al (US 6,633,746) (hereinafter referred to as 'Walsh').

The teachings of Nikolic/La have been discussed above.

Nikolic/La lack the teaching of the server creating an internet web page containing the message if the notification had been transmitted (col. 3, lines 35-62).

Walsh teaches the server creating an internet web page containing the message if the notification had been transmitted and providing a display on the unit for viewing the message.

One of ordinary skill in the art would have readily recognized that the web page would have been beneficial to the invention of Nikolic to create a record as to the notification of a mobile recipient. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Nikolic/La with the aforementioned teaching of Walsh.

3. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolic/La as applied to claim 13 above, and further in view of Miller et al. (US 5,672,860) (hereinafter referred to as 'Miller').

The teachings of Nikolic/La have been discussed above.

Nikolic/La lack the teaching of providing a display on the terminal for displaying the collected data.

Miller teaches a data collection terminal (bar code reader and terminal device 10) having a display (12) on the terminal (10) for displaying the collected data and an interface on the display (12) for prompting the mobile sender to sequentially collect the data (col. 4, lines 16-24).

One of ordinary skill in the art would have readily recognized that the invention of Nikolic would have benefited from a display since the display would have allowed for immediate human-perceptible recognition of scanned data. Therefore, it would have been obvious, at the

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time the invention was made, to modify the teachings of Nikolic/La with the display as taught by Miller.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection in response to newly added claims 13-20.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moskowitz et al. (US 6,483,433) teach a method and apparatus for notifying of receipt.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

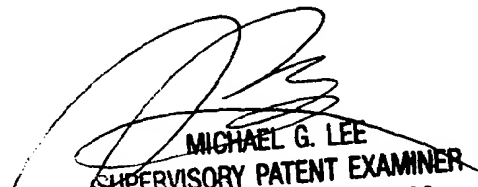
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. Effective January 15, 2004, the telephone number will be 571-272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Jamara A. Franklin
Examiner
Art Unit 2876

JAF
December 16, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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